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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,627	10/02/2000	Frank D'Aguanno	18574.00201	4728

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EXAMINER

SHANLEY, DANIEL G

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/676,627

Applicant(s)

D'AGUANNO, FRANK

Examiner

Daniel G. Shanley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 3-12, 14 and 15 is/are allowed.
- 6) ☐ Claim(s) 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 1-2 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected method requiring a heating step, thus the claims are in a separately classified, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 12.

### ***Claim Objections***

Claim 4 is objected to because of the following informalities: Claim 2 line (d) states "hallow." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, line 5 of indentation paragraph (iii) states "the machine shaft," should this be the "golf club shaft." This is not fully understood by the examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farino in view of Marshall and in further view of Krapp.

Farino discloses a frame 14, a clamp 12 connected to the frame for securing the shaft of a golf club against longitudinal movement, and means 20 connected to the frame for applying force longitudinally to the head of the golf club in a direction to separate the head from the shaft. Next, a machine shaft is disclosed 26 with mechanical actuating means 28. Lastly, a mushroom shaped turret is disclosed 22 with a notch 24 for slidably receiving the golf club shaft.

Farino, discussed in detail above, discloses all of the limitations of the invention except for hydraulic actuating means. Marshall discloses such a means. It would have been obvious to one having ordinary skill in the art at the time the Farino invention was made to have included a hydraulic actuating means instead of a mechanical means as taught by Marshall, since Marshall states that the drive member of golf club assembly tools may use pneumatic, mechanical, or hydraulic drive means as a matter of preference. Specifically, the specification states:

" (17) A bias means is employed to drive the shaft engaging member away from the club head, i.e., in a distal-to-proximal direction. It may be provided in pneumatic, hydraulic, or other form, but in the preferred embodiment of the invention the bias means is provided in part in the form of a compression spring that axially receives the proximal end of the drive tube."

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Therefore, to include either mechanical or hydraulic drive means is well known in the art.

Farino, as modified above, discloses all of the limitations of the invention except for mushroom shaped turret having two sections of varying diameter. Krapp discloses such a turret. It would have been obvious to one having ordinary skill in the art at the time the Farino invention was made to further modify the invention and included a mushroom shaped turret as taught by Krapp, since Krapp in Figure 15 implies that such a modification is advantageous for golf club assembly devices in order to spring bias the force actuator thus further controlling actuation of or retraction of shaft.

***Allowable Subject Matter***

Claims 3-12, and 14-15 are allowed.

***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Machado discloses a golf club assembly tool.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel G. Shanley whose telephone number is 703-305-0306. The examiner can normally be reached on M-F 0830-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 703-308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3590 for regular communications and 703-308-3590 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Daniel G. Shanley  
Examiner  
Art Unit 3723

DGS  
January 22, 2003